

yet. It has become apparent from what has been said by the administration that it is not likely to use the Strategic Petroleum Reserve to correct this rapidly deteriorating situation. Rather, the administration seems to be relying on OPEC to increase production and to send that production to our shores.

At their meeting last week, OPEC Ministers asserted that they would provide additional supplies in the event that there is a war with Iraq, but they also made it clear that those new supplies would be costly.

The administration appreciates the promise of the Saudis to raise production in the event of a shortage, and I appreciate that as well. Some Saudi oil, evidently, is already on its way to United States ports. But the fact is, given the present situation, this is not enough. This is long-haul oil. We need oil in our system now to keep the system functioning and prevent refineries from running on empty.

We have a timing problem. If war begins—and we all are well aware it may begin at any time—Iraqi oil production and perhaps some Kuwaiti production will cease. This will cause a shortfall of somewhere between 2 percent and 6 percent of the world oil supply. We seem to be assuming that the Saudis can make up that difference, and it is possible that they can. Some analysts estimate however that they are already operating at full capacity.

But let's suppose they can make it up. They still have to get that oil here. It takes 40 days for an oil tanker to get here from the Persian Gulf, and we need to release oil from the SPR now in order to keep liquidity in the system, to keep our refineries running, and to prevent further harm to our economy. If it takes 40 days for Persian Gulf oil to reach our shores, and those tankers set sail perhaps 10 days ago, there are still 30 days left before we will see any of that oil.

The delivery process has started, but the extra oil is still far away at sea. We need liquidity in the system now, and I am saying the smart thing to do is to take out a little insurance policy to cover that period, from today until that oil can arrive.

I am urging the President to allow private companies to exchange up to 750,000 barrels of oil per day from the SPR, until this long-haul crude from the Middle East reaches our ports. Companies taking part in this swap that I am proposing would pay the Government a fee plus a future price differential for leasing the oil, and would replace the oil with an equivalent grade of crude within 6 to 12 months.

This modest release would complement and not compete with the oil that is headed this way. It would provide supply in a crucial time. I believe this swap drawdown could begin immediately and could continue until additional oil that OPEC producers have promised actually arrives.

This 750,000 barrels-per-day swap is well-short of the 4.3 million barrels-per-day of drawdown capacity we have within the Strategic Petroleum Reserve. I understand President Bush does not want to release all of the Strategic Petroleum Reserve as our Nation is on the brink of war. But what I am proposing leaves nearly 85 percent of that total SPR drawdown capacity untouched. We will be minimizing the damage to our economy by putting these extra barrels out there into the system now, and we will be helping to prevent a gasoline supply shortage and further price spikes.

The U.S. refining sector already is functioning at minimum operating levels. Without new crude supplies, refiners may be forced to reduce those production levels, leading to higher gasoline, higher jet fuel, and higher diesel prices, and causing even more damage to our economy.

Our economic security is at stake. We cannot afford not to do this. The American people also cannot afford for us not to do this. I urge the administration to seriously consider this proposal. In my view, it is time for us to act.

I yield the floor.

EXHIBIT 1

[From the Albuquerque Journal, Mar. 15, 2003]

N.M. GETS SHOCK AT PUMP

(By Diane Velasco)

"It's just ridiculous," said Bill Andes of Albuquerque as he pumped \$1.69-a-gallon gasoline into his company car at a Chevron station in the Northeast Heights.

Andes' reaction on Thursday evening was typical of many motorists as gasoline prices spiraled to record levels in Albuquerque, Las Cruces and statewide this week.

Andes doesn't pay personally for gasoline in his company car, but his wife's Suburban has a 60-gallon tank.

"\$1.69 times 60—you do the math," he said.

Andes was paying the average statewide price of \$1.69 a gallon for regular unleaded gasoline, five cents higher than a week earlier and a record. The previous record, set May 31, 2001, was \$1.68 a gallon.

Albuquerque's average price per gallon was lower than the statewide average. In Albuquerque, the price climbed 6 cents to \$1.66 a gallon for regular unleaded fuel, according to AAA New Mexico's Weekend Gas Watch, which was released Friday. The price tied a record set two years ago.

Santa Fe's average price rose 4 cents to \$1.73 a gallon, higher than the national average of \$1.72 but still below the city's record \$1.75 set two years ago.

In Las Cruces, the average price climbed 3 cents last week to \$1.63 a gallon, tying that city's record.

Rising prices have caused Albuquerque resident Lorenzo Gutierrez to think about parking his 1999 Dodge Ram pickup, which he said gets just 11 miles a gallon, and buying a motorcycle for daily use.

Nicole Monge used to spend \$20 a week to fill her Toyota Tacoma pickup. Now she spends \$26.

"The prices won't restrict my travel plans, but they will restrict my spending money," she said.

It could be worse.

Some places around the country are seeing prices above \$2 per gallon.

Rising prices at the pumps are caused by the record-high price of crude oil, said Bob Gallagher, president of the New Mexico Oil and Gas Association.

At the New York Mercantile Exchange on Friday, April crude oil futures closed at \$35.38 a barrel.

Crude now represents 50 percent of the cost of a gallon of gasoline, up from its usual 25 percent, he said.

The crude oil price has risen by \$7 to \$10 per barrel because of uncertainty about what will happen if the United States goes to war with Iraq.

"At this point, you have to start to become concerned that (price increases) will impact the daily activities of individuals as well as small and large businesses," Gallagher said.

"If daily activities are impacted, that will have a negative impact on the economy because there will be less money available to spend," he said. "I am hopeful we are all but topped out for the price of gasoline."

High gasoline prices will hinder Yvonne Shije's 45-mile trips from Zia Pueblo to Albuquerque. She will try to do all of her shopping at once to eliminate extra trips, she said.

The world political situation is also making her a more discerning consumer.

"I don't want to be purchasing gas from particular stations (whose companies) buy oil from Iraq," she said. "Why would you want to put money into their pockets when you could buy American?"

Diesel prices are also at an all-time high—more than \$1.75 a gallon nationwide—said Vic Sheppard, managing director of the New Mexico Trucking Association.

"We see a lot of people just closing their doors in New Mexico," he said. "We hear daily of people just saying, 'I can't make it any more.'"

About 86 percent of the state's trucking firms have six or fewer trucks and are thus more vulnerable to price swings in fuel, Sheppard said.

While Sheppard does not know how many jobs have been lost in the industry since prices began spiraling, he estimates 12 percent of the state's population is involved in trucking, including warehousing and distribution.

Henry Pacheco, owner of Pacheco Trucking Co., is currently charging his customers a 5 percent surcharge to cover rising fuel costs. He said he plans to increase that to 7 percent next week.

"It's put a slowdown on us—I'm not getting as much freight as I used to because I added the surcharge to my rates," he said.

Although he is getting more calls, potential customers are reluctant to pay the surcharge, Pacheco said.

His 20-year-old Pacheco Trucking Co. has 10 trucks and employs as many as 14 drivers.

IRAQ

Mr. LEVIN. Madam President, I would like to take a few minutes to speak about the current situation in Iraq.

There has been a broad consensus that Saddam Hussein is a murderous tyrant and that the world is a more dangerous place if he has weapons of mass destruction. There has also been consensus that he has not complied with his obligations under the U.N. ceasefire resolution at the end of the Gulf War and the numerous resolutions that followed, which called for him to disarm, particularly with respect to weapons of mass destruction. And

there has been consensus that the U.N. should enforce its resolutions more forcefully than it had in recent years. This led to passage of U.N. Security Council Resolution 1441 which resulted in the resumption of weapons inspections by the U.N.

Now there is division at the U.N.

Many members of the United Nations want to complete the inspections and keep Saddam contained and in a box until those inspections are completed. Just a few days ago, the President said he would call for a vote at the U.N. Security Council to authorize the use of force so that every member nation could state its position. The President has now apparently reversed himself in the face of a likely rejection by the Security Council.

The issue, until yesterday, was whether to proceed militarily without the support of the world community as expressed by the Security Council or, alternatively, to give the inspectors the months they said they need to complete their work, the position which many members of the Security Council apparently favor.

The President has apparently chosen the former course. I have felt that course was unwise for a number of reasons. By failing to rally the Security Council to a common view, we have lost the best chance to force Saddam Hussein to capitulate because it is likely that only if Saddam Hussein sees a united world at the other end of the barrel will he see no potential to turn the tide to his favor. A world solidly against him would be a world that an anti-U.S. propaganda machine would have great trouble stirring up. Just as in the gulf war, Saddam was unable to score any propaganda points when 28 nations, including a number of Muslim nations, provided military forces against him.

Another reason I have felt that proceeding without the U.N. would be unwise is we would lose some support in the region, with the resulting loss of staging areas and overflight rights, as is apparently the case in Turkey, which, in turn, could increase the length of the war and the number of casualties.

There are also serious long-term risks in proceeding without support of the world community as expressed through the U.N. Such an attack on Iraq would be viewed by much of the world as an attack by the West against an Islamic nation, rather than of the world against Saddam. We would fuel the anti-Americanism that is already so prevalent, and stoke the terrorism which is already our No. 1 threat.

Admiral Lowell Jacoby, the Director of the Defense Intelligence Agency, told the Senate Armed Services Committee in February:

Much of the world is increasingly apprehensive about U.S. power and influence. Many are concerned about the expansion, consolidation, and dominance of American values, ideals, culture, and institutions. Reactions to this sensitivity to growing

"Americanization" can range from mild "chafing" on the part of our friends and allies, to fear and violent rejection on the part of our adversaries. We should consider that these perceptions mixed with angst over perceived "U.S. unilateralism" will give rise to significant anti-American behavior.

I have also felt that proceeding without the U.N. would make it less likely that other nations will join us in the difficult tasks of providing stability in reconstructing Iraq in the aftermath of the conflict. U.N. Secretary General Kofi Annan recently said the following:

If they [the members of the U.N. Security Council] cannot agree on a common position and if some of them launch action without the support of the [Security] Council, the legitimacy of this action will be widely questioned and it will not obtain the political support required to ensure its success in the long term, once the military phase is over.

The European Union's External Relations Commissioner, Chris Patten, likewise pointed out recently that "if it comes to war, it will be very much easier" to make a case for other countries to contribute to the reconstruction of Iraq "if there is no dispute about the legitimacy of the military action that has taken place."

Further, and of great significance, President Bush's principal basis for launching a military action is Iraq's failure to comply with U.N. Security Council Resolution 1441 and other U.N. resolutions. But how is it credible to invoke the Security Council's resolutions as a basis for our action and then ignore that same Security Council if it does not agree with us on the wisdom of military action at this time and does not give us the resolution we want?

Stressing the importance of a U.N. authorization does not give the U.N. a veto over American action. Nobody has a veto over America's foreign policy or decisionmaking. The decision is America's and America's alone. The issue is not whether we need the U.N.'s permission to use force; we don't. The issue is whether it would be wise to have the U.N.'s support and whether we will be more secure from terrorists and other threats if we initiate a military action against Iraq without the support of the world community. If there were an imminent threat against us, we would not—and should not—hesitate to use force. But attacking in the absence of an immediate threat is a very different scenario with very different risks.

The President has said that the U.N. will become irrelevant if it does not authorize member states to use military force at this time against Iraq. But the Security Council's decision in this matter, whichever way it would have gone, would have been highly relevant.

If the Security Council authorized force by member states, that would be relevant as a statement of the world community against Saddam. But if the Security Council rejected authorizing force at this time, as they apparently would have, it would still be relevant because our use of military force in the face of such a Security Council rejection

could have a worldwide negative political impact with great peril to us.

The issue is not whether we will prevail militarily without the U.N.'s support; we will. The issue is whether our long-term security would be enhanced in that circumstance or whether chaos and instability in the Middle East, following our unilateral action, will be deep and long and more costly, and whether the level of terrorism against us in the world will rise to a higher point than it otherwise would.

The U.N. too often has been seen by the administration as an obstacle to overcome instead of an opportunity to rally the world. And the administration has also weakened its case at the U.N. in a number of ways.

It has used divisive rhetoric and denigrating attitude towards the views of other nations whose support we seek. Countries have been told "you are either with us or against us." The U.N. has been told that while we welcome U.N. endorsement, we can do just fine without you. U.N. inspectors were called "so-called" inspectors. And before U.N. inspections even began, they were called useless. Germany and France were sneered at as being part of "old Europe." This kind of rhetoric alienates our friends and fuels the inflammatory propaganda of our enemies. Divisive and dismissive rhetoric is no way to rally the Security Council. It comes across as bullying and domineering.

The White House spokesmen have also spun facts in a transparent way, contradicting themselves from day to day. The refusal of Iraq to assure the safety of U-2 surveillance planes was at first called a serious breach of resolution 1441. When agreement was reached between U.N. inspectors and Iraq to fly the planes shortly thereafter, the White House spokesman said the agreement was no big deal. Similarly, when the inspectors determined that Iraqi missiles violated U.N. resolutions limiting their range, the White House pointed to the violation as significant evidence of noncompliance. When, soon thereafter, Iraq agreed to destroy those missiles, with U.N. inspectors looking on, the White House spokesman said that action was evidence of the Iraqis' deception. That kind of spinning and reversal of field by White House spokesmen has not helped our credibility or our cause.

We will prevail militarily in Iraq on our own, albeit with increased risk, but it will be more difficult to win the larger war on terrorism without the world community in our corner. We need the eyes and the ears and the intelligence of the people of the world if we are going to detect and ferret out, deter, and destroy those who care nothing for international law and do not even accept the rules of war.

Historically, America has been strongest when we found common cause with other nations in pursuit of common goals. The path to a safer world and a more secure America has

rarely come from a go-it-alone approach. Thomas Friedman wrote recently in the *New York Times*:

[I]f Mr. Bush acts unilaterally, I fear America will not only lose the chance of building a more decent Iraq, but something more important—America's efficacy as the strategic and moral leader of the free world.

If war against Iraq comes, far better it be seen as the decision of the world community, not just a U.S.-British decision.

The President said accurately on January 3 that Saddam Hussein has no respect for the Security Council and does not care about the opinion of mankind. But surely we should.

President Bush has now decided to end the diplomatic effort. Those of us who have questioned the administration's approach, including this Senator, will now be rallying behind the men and women of our armed forces to give them the full support they deserve, as it seems certain we will soon be at war.

Last October a majority of both Houses of Congress voted to authorize the President to use military force with or without the authority of the United Nations. While I disagreed with that decision and offered an alternative, the overriding fact is that this democracy functions through debate and decision. The decision to give the President wide authority was democratically arrived at.

The courageous men and women whom we send into harm's way are not just carrying out their orders with bravery and the highest form of professionalism. They are also implementing the outcome of the democratic debate which this Nation protects and honors. Those men and women should know that they have the full support and the fervent prayers of all of the American people as they carry out their missions.

Madam President, I ask unanimous consent that my recent remarks to the Council on Foreign Relations and the Boston World Affairs Council, along with two of my opening statements at recent Armed Services Committee hearings, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CARL LEVIN, CHAIRMAN, SENATE ARMED SERVICES COMMITTEE, "U.S. POLICY TOWARDS IRAQ," COUNCIL ON FOREIGN RELATIONS, OCTOBER 8, 2002

Thank you, Walt, for your kind introduction. I understand that with the change in Administrations, you have returned to your tax law practice. I think it was John Maynard Keynes who remarked that "The avoidance of taxes is the only intellectual pursuit that carries any reward." We'll ask you about the truth of that statement when I'm finished speaking about U.S. policy towards Iraq!

I want to thank Les Gelb, the Council on Foreign Relations President, and Pete Peterson, the Council's Chairman of the Board, for inviting me this evening, and I want to thank the Council for its 80 years of outstanding service to our Nation and to the world as the "privileged and preeminent non-

governmental impresario of America's pageant to find its place in the world." Those are the "objective" words of Les Gelb, by the way.

Last night, President Bush described in detail the threat that Saddam Hussein's regime poses. I have relatively few differences with that description, and there is also a consensus that if Saddam Hussein continues to refuse to meet his obligation to destroy his weapons of mass destruction and prohibited missile delivery systems, the United Nations should authorize member states to use military force to destroy those weapons and systems and that the United States Armed Forces should participate in and lead a United Nations authorized force.

So the issue that is in dispute is whether unilateral force should be authorized by Congress now in case the U.N. does not act. How we answer that question could have a profound and lasting impact on the safety of our children and grandchildren for decades to come. Because the difference between attacking a nation with the support of the world community or attacking it without such support is fundamental, and it can be decisive.

The President answers the question by seeking a resolution from Congress that gives him the authority to use force under the auspices of the United Nations or to go-it-alone if the United Nations fails to act. He seeks this unilateral authority even though he does not condition its use on the threat to the United States by Saddam being imminent. Indeed, he argued in the National Security Strategy that was released by the White House last month that preemptive attacks to forestall or prevent hostile acts by our adversaries can now be undertaken although a threat is not imminent. The new strategy states explicitly that "We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means." The President's Iraq resolution and the National Security Strategy, therefore, both take the position that an "imminent" threat is no longer required as a basis for our military action in self-defense. The President is explicitly seeking to modify the traditional concept of preemption by deleting the need for "imminence" and substituting that of "sufficient" threat in the Strategy and "continuing" threat in the proposed resolution.

That the President is seeking the authorization for unilateral preemptive attack without U.N. authorization is at the heart of the Senate debate that is presently taking place, and the vote on that resolution will come soon.

Under the traditional international law concept of preemption in self-defense, the United States would be justified in acting alone in the case of a serious threat to our nation that is imminent. In a case where such a threat is not imminent, military action would be justified only if it were carried out pursuant to an authorization for the use of force by Member states by the United Nations.

The choice facing the Senate is whether Congress should now—at this time—give the President the authority to "go-it-alone," to act unilaterally against Iraq if the United Nations fails to act. Congress is being presented with this issue at the very same time our Secretary of State is trying to get the United Nations to back a tough new resolution authorizing member states to use military force to enforce Iraqi compliance with inspections and disarmament.

Last night the President said, "I have asked Congress to authorize the use of America's military if it proves necessary to enforce U.N. Security Council demands." But,

the White House resolution asks for much more. It isn't limited to the use of force if the United Nations authorizes it; on the contrary, it specifically authorizes, now, the use of force on a unilateral, "go-it-alone" basis, that is, without Security Council authorization. The President's rhetoric doesn't match the resolution. Moreover, the White House approach authorizes the use of force beyond dealing with Iraq's weapons of mass destruction and their means of delivery.

The resolution I introduced is consistent with how I think most Americans want us to proceed. It emphasizes the importance of dealing with Iraq on a multilateral basis and it withholds judgment at this time on the question of whether the United States should "go it alone," that is, should act unilaterally against Iraq, if the United Nations fails to act.

My resolution does the following: First, it urges the U.N. Security Council to adopt a resolution promptly that demands unconditional access for U.N. inspectors so Iraq's weapons of mass destruction and prohibited ballistic missiles may be located and destroyed; and within that same U.N. resolution, authorizes the use of necessary and appropriate force by U.N. Member States as a means of enforcement in the event Iraq refuses to comply.

My resolution also specifically authorizes the use of the United States Armed Forces, pursuant to that U.N. Security Council resolution, if Iraq fails to comply with its terms and the President informs the Congress of his determination that the United States has used appropriate diplomatic and other peaceful means to obtain Iraqi compliance with such a U.N. resolution.

My resolution affirms that under international law and the U.N. Charter, especially Article 51, the United States has at all times the inherent right to use military force in self-defense, affirming the fact there is no U.N. veto over U.S. military action. It also affirms that Congress will not adjourn sine die so that Congress can return to session, if necessary, and promptly consider proposals relative to Iraq if, in the judgment of the President, the U.N. Security Council does not promptly adopt the resolution I described above.

My resolution, therefore, supports the President's appeal to the United Nations and approves—right now—the use of our Armed Forces to support the action of the United Nations to force compliance by Saddam Hussein with inspections and disarmament. It does not, however, authorize now—before we know what the United Nations intends to do, before we know whether or not we have the world community on our side—it does not authorize the United States Armed Forces going-it-alone. Should we need to consider that possibility at a future time, the resolution provides for the immediate recall of Congress to do so. My resolution doesn't—on a matter of war and peace/life and death—exceed the grant of authority needed at the present time.

If Congress instead endorses the resolution proposed in the Senate by Senator Lieberman and others allowing the unilateral use of force at this time—even in the absence of a U.N. authorization—we will be sending an inconsistent message. We will be telling the United Nations that, if you don't act, we will—at the same time that we are urging them to act. We will be telling the United Nations that they are not particularly relevant—at the same time we are urging them to be very relevant.

If we want the United Nations to be relevant and credible—if we want the United Nations to succeed—if we want the United Nations not to be limited to humanitarian and disaster relief and other tasks that are

mighty useful but are not essential—and I think most of us do—then we have to focus our efforts there and give those efforts a chance to succeed.

If we act wisely—authorizing the use of our forces pursuant to a U.N. resolution authorizing Member states to use force—we will not only unite the Congress; ultimately, we would unite the world community, on a course of action that we all seek: the elimination of Saddam Hussein's ability to threaten the world with weapons of mass destruction. That's where our focus should be: uniting the world, not dividing it.

Moreover, a go-it-alone approach in which we attack Iraq without the support and participation of the world community entails serious risks and could have serious consequences for us in the Middle East and around the world. It makes a difference, when deciding to use force, whether that use of force has the support of the world community.

It makes a difference for us in the current situation involving a possible attack on Iraq:

If we go it alone, will we be able to secure the use of airbases, ports, supply bases, and overflight rights in that region? Those rights and those capabilities are so important to the success of a military operation against Saddam.

If we go it alone, will there be a reduction in the broad international support for the war on terrorism, including the law enforcement, financial, and intelligence cooperation that is so essential?

If we go it alone, will that destabilize an already volatile region and undermine governments such as Jordan and Pakistan? Could we possibly end up with a radical regime in Pakistan, a country that has nuclear weapons?

If we go it alone, will Saddam Hussein or his military commanders be more likely to use weapons of mass destruction against other nations in the region and against our military forces in response to our attack than would be the case if he faced a U.N.-authorized coalition, particularly if that coalition included Muslim nations as the coalition did during the Gulf War?

If we go it alone, will other nations view our action as a precedent for threatening unilateral military action against their neighbors in the future?

If we go it alone, will we be undercutting efforts to get other countries to help us with the expensive, lengthy task of stabilizing Iraq after Saddam is removed?

Beyond the current situation relative to using force in Iraq, going-it-alone without U.N. authorization, based on a modified concept of preemption that no longer requires the threat to be imminent, will lead to a serious risk to international peace and security.

If we act unilaterally, without U.N. authority or an imminent threat, that will create a dangerous situation for international peace and stability in the long term. We would be inviting other nations to forego an important rule of international law requiring a serious and imminent threat before one nation can attack another in the name of self defense.

By seeking a U.N. resolution that will authorize U.N. Member States to use force if Iraq does not comply with its terms, we are not giving the United Nations a veto over the conduct of our foreign policy. Rather, we are getting from the United Nations strength and international credibility and legitimacy, should military force be needed.

We should be seeking to unite the world against Saddam Hussein, not dividing it. Our immediate objective should be to get the United Nations to act—to locate and destroy Iraq's weapons of mass destruction and the

means of delivering them. The threat Saddam presents is real, and we should deal with it. But authorization for preemptive, unilateral U.S. action in Iraq does not need to and should not be granted at this time. If the U.N. doesn't act, Congress can be called back promptly to consider a request to authorize force unilaterally and to consider the serious and different risks involved in pursuing that course at that time.

Last Monday's Washington Post carried a story in which a senior European official's response to the United States going-it-alone was, "A lot of Europeans would feel they'd been put in an intolerable position." For those who would agree to participate militarily, "it would be less a coalition of the willing than of the dragooned."

Javier Solana, former NATO Secretary General and currently High Representative for the European Union's Common Foreign and Security Policy, the EU's top foreign policy official, in an address at NATO Headquarters last Thursday, stated "Ad hoc coalitions of docile followers to be chosen or discarded at will is neither attractive nor sustainable."

Just last week, after hearing from Prime Minister Blair and Foreign Minister Straw, the ruling Labor Party's Conference issued a formal position on Iraq that included the following: "Conference believes that the authority of the U.N. will be undermined unless it is enforced, and recognises that in the last resort this could involve military action but considers that this should be taken within the context of international law and with the authority of the U.N."

And just last Friday, Turkey's presidential spokesman said that his nation would participate in a campaign against Iraq only if the world body blessed it, stating "An operation not based on international law cannot be accepted."

The best chance of having Saddam Hussein comply with U.N. Security Council resolutions is to make sure that when he looks down the barrel of a gun, he sees the world at the other end, and not just the United States.

Congress should give the President what he said last night he was asking for—the authority to use U.S. military force to enforce U.N. Security Council demands, not what the White House resolution also provides—go-it-alone authority. Our focus then would be where it belongs: securing a United Nations resolution that can unite the world; that has the best chance of forcing compliance; that reduces the risk to our forces and to our interests throughout the world; that avoids to the maximum extent possible the negative consequences if force is required, including the loss of cooperation on the war on terrorism; and that has the best chance of isolating Saddam Hussein rather than isolating the United States.

Thank you for listening. That concludes my remarks. I would be happy to answer your questions.

SENATOR CARL LEVIN'S REMARKS TO THE BOSTON WORLD AFFAIRS COUNCIL REGARDING THE CHRISTIAN A. HERTER AWARD, DECEMBER 2, 2002

Thank you for honoring me with this prestigious award.

The past recipients of the Christian A. Herter Award are a distinguished group of people who have made significant contributions to better understanding among nations, and I am honored to be included in this group.

It is a particular pleasure to be receiving this award with Dick Lugar, who will become the Chairman of the Senate Foreign Relations Committee in January. No member of the Senate is better qualified for this

important position than Dick. He is a true internationalist who enjoys the confidence of both Senate Democrats and Republicans, as well as the respect of foreign leaders and parliamentarians around the world.

A Senator from Michigan can't talk about the importance of national consensus and bipartisanship in America's foreign policy without recalling the career of Arthur Vandenberg, who was an ardent champion of a bipartisan American foreign policy. Senator Vandenberg helped draft the 1945 United Nations Charter and steered its passage through the Senate. He later played a leading role in constructing the Marshall Plan and in the formulation of NATO. Over the years, his name has become synonymous with the expression that "politics end at the water's edge."

That expression is a good one to keep in mind in the weeks after a hard-fought midterm election and a lengthy debate in Congress over U.S. policy in Iraq. Both these events revealed differences over foreign policy between Democrats and Republicans, and even in some cases among Democrats and Republicans.

For the most part, Democrats and Republicans will be in agreement on a foreign policy agenda in the coming year.

We agree on the need to continue an all-out effort against al Qaeda and other international terrorist groups.

We agree on the need to follow to the finish the effort to disarm Saddam Hussein, especially if the multilateral path that the President started at the United Nations is followed.

We agree on the need to deal with the problem presented by North Korea's recently acknowledged nuclear weapons program, working calmly and determinedly with South Korea, Japan and others.

We agree on the need to strengthen the authority of the central government in Afghanistan.

We agree on the need to combat the proliferation of weapons of mass destruction, a goal to which Dick Lugar has contributed so much by creating the Cooperative Threat Reduction Program.

We agree on the value of expanding NATO and modernizing its mission and operations.

But leaving politics at the water's edge doesn't mean that there won't be differences over foreign policy. While a bipartisan foreign policy is important for both domestic and international purposes, it is healthy—indeed essential at times—for constructive alternative positions to be expressed, as long as these alternatives are not prompted by partisan motivations.

The Bush Administration's initial foreign policy positions on a host of issues had a pronounced unilateral, and at times, even an isolationist tone. Despite Candidate Bush's call for humility on the part of the world's sole superpower, President Bush too often ignored Candidate Bush's good advice. For instance, his early statements on international treaties and peacekeeping in the Balkans served to undercut or offend even close Allies and, perhaps more importantly, unnecessarily provoked feelings of hostility among the peoples of many nations.

Constructive criticism of some of the Administration's foreign policies and foreign policy statements over the past year has had a positive impact on both the policies and the rhetoric. That criticism came from within the Administration, from members of Congress of both parties, from the media, and from the leaders of allied and friendly nations.

For example, during the weeks leading up to the Congressional vote on an authorization for the use of military force against Iraq, many members of Congress sought

changes to the Administration's initial proposal. The Administration, in essence, originally sought authority to act unilaterally to bring about regime change in Iraq at a time of the President's choosing.

Senator Lugar joined forces with Senator Biden to modify the Administration's proposal to refocus the grant of authority to use military force on Iraq's weapons of mass destruction and on seeking a new U.N. Security Council resolution authorizing the use of force.

I offered an alternative resolution, which was not adopted, which was designed to give even greater importance to a multilateral approach through the United Nations. It deferred a Congressional decision on authorizing the unilateral use of force until such time as the multilateral approach proved to be beyond our reach. My alternative would have called on the United Nations to promptly adopt a new resolution demanding that Iraq provide immediate, unconditional and unrestricted access to the U.N. weapons inspectors so its weapons of mass destruction could be destroyed, authorizing the use of military force by U.N. Member States to enforce the resolution in the event that Iraq refused to comply. My alternative would have authorized the President to use U.S. military force to destroy Iraq's weapons of mass destruction pursuant to such a U.N. resolution, and would have provided that Congress not adjourn so we could consider proposals relative to the use of unilateral force if the U.N. Security Council failed to adopt a resolution authorizing the use of force by member states.

I have urged a multilateral approach to the Iraq threat because I believe that approach has the greatest chance of success. A multilateral approach reduces the risks involved in military action and minimizes the fallout from vengeful, violent retaliatory responses which often result if we're perceived as a unilateral bully. The events of 9/11 made clear that dealing with international terrorism must be our first priority, but we can't effectively deal with international terrorism without the political, law enforcement, intelligence, and, at times, military assistance and cooperation of the world community. That same multilateral approach is essential to combating the proliferation of weapons of mass destruction, or to dealing with the threat posed by North Korea's nuclear program.

I believe the efforts of many within and without the Administration had an impact on the course of action chosen by the Administration and on the legislation on Iraq that was enacted by Congress, which endorsed the multilateral approach and conditioned the unilateral use of force on the President certifying that diplomatic means will not succeed. I also believe those efforts helped Secretary Powell to prevail, at least temporarily, over other views within the Administration during the painstaking negotiations that led to the unanimous adoption of U.N. Security Council resolution 1441 on November 8th.

The U.N. resolution was a victory for those who favor a multilateral approach to the use of force. It's great to be the world's only superpower, and I hope it stays that way. But I do not believe that our national interests are well served when we engage in rhetoric that needlessly inflames passions and incites hostility towards the United States and its citizens. Teddy Roosevelt's soft rhetoric and big stick approach was about the right balance.

We must be more than powerful; we must be wise in the use of our power and wise in the use of our rhetoric. The United States must be a leader, not a loner. Otherwise, we will turn what has been admiration for our

values and our beliefs into fear of domination by us and hostility towards our apparent arrogance.

Recently I was struck in reading an excerpt from Bob Woodward's new book, "Bush at War," in the Washington Post. Woodward was reporting on an interview with the President, and at the end which Laura Bush joined them. The President had just told Woodward that the First Lady wished the President's rhetoric wasn't quite so harsh about getting them "dead or alive." When the President asked her why, the First Lady said, "It just didn't sound that appealing to me, really." The First Lady added that she tells the President from time to time, "Tone it down, darling."

In the spirit of the Christian Herter award, I pledge to work with others in the Congress to seek consensus in support of the Administration's foreign policies whenever possible and, when necessary, to support constructive alternatives that I believe will better suit the interests of the United States. And relative to the Administration's rhetoric, I also will from time to time will urge them to "tone it down, darlings."

OPENING STATEMENT OF SENATOR CARL LEVIN, HEARING ON WORLDWIDE THREATS WITH GEORGE TENET, DIRECTOR OF CENTRAL INTELLIGENCE AND LOWELL JACOBY, DEFENSE INTELLIGENCE AGENCY, WEDNESDAY, FEBRUARY 12, 2003

All of us want Saddam Hussein to be disarmed. The best way to accomplish the goal of disarming Saddam Hussein without war is if the United Nations speaks with one voice relative to Iraq. I also believe that if military force is used, the best way of reducing both the short-term risks, including the risks to U.S. and coalition forces, and the long-term risks, including the risk of terrorist attacks on our interests throughout the world, is if the United Nations specifically authorizes the use of military force.

That's the bottom line for me—the best way of increasing any chance of disarming Saddam Hussein without war and of minimizing casualties and future attacks on the United States if war does ensue is if the United Nations acts relative to Iraq.

Supporting U.N. inspections is an essential step if we are going to keep the Security Council together. We can support those U.N. inspections by sharing the balance of our information about suspect sites, by quickly getting U-2 aircraft in the air over Iraq, with or without Saddam Hussein's approval, and by giving the inspectors the time they need to do their work as long as the inspections are unimpeded.

I disagree with those, including high officials in our government, who say that U.N. inspections are useless. We heard that before the inspections began. We heard it from Dr. Rice at the White House last week. I am astounded that some of those high officials have gone so far as to refer in a derogatory way to the "so-called" U.N. inspectors. If these inspections are useless without Iraqi assistance in pointing out where they have hidden or destroyed weapons of mass destruction, why are we sharing any intelligence at all with the inspectors; and why are we apparently finally implementing U-2 flights to support the inspectors?

It's one thing to be realistic about the limitations of the U.N. inspections and not have too high hopes about what they can produce.

It's another thing to denigrate their value, prejudice their value, be dismissive and disdainful about the beliefs of others on the U.N. Security Council about their value, and be cavalier about the facts relative to those inspections.

Referring to being cavalier about facts brings me to my next point, the sharing of

intelligence information in our possession with the U.N. inspectors.

This is an issue that I have followed very closely. For the last several weeks, at my request, the CIA has been providing me with the classified details of how much information we have been sharing with the U.N. inspectors in Iraq. We just began sharing specific information in early January, according to Secretary Powell as quoted in the Washington Post on January 9th. While I can't go into those classified details in an open hearing, I can say that the information the CIA has provided me made it very clear that we had shared information on only a small percentage of the suspect sites in Iraq and that we had not shared information on the majority of the suspect sites, which was confirmed by CIA staff.

At yesterday's hearing, I was astounded when Director Tenet told us that we have now shared with U.N. inspectors information about every site we have where we have credible intelligence. Then, last night, in Director Tenet's presence and in the presence of Senator Warner, his staff acknowledged that we still have useful information that we have not shared with the inspectors—which is the opposite of what Director Tenet told the Intelligence Committee yesterday in open session. If we haven't shared yet all the useful information that we have with the U.N. inspectors, that would run counter to the Administration's position that the time for inspections is over.

When President Bush addressed the U.N. General Assembly on September 12th of last year, he said that "We want the United Nations to be effective, and respectful, and successful. Well we have some responsibility to help the United Nations achieve that. Saying to other countries, including allies, that if you don't see it our way, you must have some ulterior motive, doesn't help."

While a number of heads of State and Government have called for the U.N. Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security and some have pledged to contribute military forces to that effort, others believe that we should give the strengthened inspections the time they need to finish their job. Both groups agree on the necessity of disarming Iraq. Rather than following a course that divides the United Nations and separates us from some of our closest allies, we should at least fairly consider courses of action that unite the world community against Iraq.

OPENING STATEMENT OF SENATOR CARL LEVIN, RANKING MEMBER, COMMITTEE ON ARMED SERVICES HEARING WITH SECRETARY OF DEFENSE DONALD RUMSFELD AND CHAIRMAN OF THE JOINT CHIEFS GENERAL RICHARD B. MYERS, THURSDAY, FEBRUARY 13, 2003

Secretary Rumsfeld and General Myers, thank you for coming.

Mr. Chairman, as we meet today, America's Armed Forces stand on the brink of possible military action. In the next few weeks, as many as 250,000 of our soldiers, sailors, airmen and marines will be in the Persian Gulf region, preparing for a possible war against Iraq. Almost 40,000 more stand on the front lines in Korea, within range of North Korean artillery and rockets. Thousands of additional American troops are risking their lives every day in continued operations in the global war on terrorism in Afghanistan and other hot spots around the world. And of course many more continue to work to keep the peace and work to build a more stable future in the Balkans and elsewhere. To support these efforts, the President has already called up more than 110,000 members of the Reserve components to active duty.

Many questions have been raised in recent months about our policy moves on Iraq, Korea, and elsewhere. Concerns have been raised about our proclivity to proceed unilaterally; about a rising tide of anti-Americanism overseas; about the risk that the focus on Iraq has reduced our focus on the war against terrorism, which has to be fought and won here at home as well as overseas; about whether our refusal to talk directly with the North Korean regime as urged by our South Korean allies may be undermining our interests in that area of the world; and about the degree of our commitment to rebuilding Afghanistan and the possible consequences of a similar lack of follow-through in Iraq.

I share many of these concerns. I believe that America is at its strongest and best when we make common cause with other nations in pursuit of common goals. I believe that the path to a safer world and a more secure America rarely comes from a go-it-alone approach. Specifically, I believe that, in the absence of an imminent threat, it is in our interest to have a U.N. resolution authorizing member States to take military action before initiating a pre-emptive attack against Iraq.

If there is any chance of disarming Saddam Hussein without war, it is for the United Nations to speak with one voice. And if military force is used, the best way of reducing both the short-term risks, including the risks to U.S. and coalition forces, and the long-term risks, including the risk of terrorist attacks on our people throughout the world, is also a U.N. resolution authorizing the use of force.

Supporting U.N. inspections is an essential step if we are going to keep the Security Council together. We can show support for those U.N. inspections by sharing with the U.N. inspectors the balance of our significant intelligence information about suspect sites, by quickly getting U-2 aircraft in the air over Iraq without conditions and with or without Saddam Hussein's approval, and by giving the inspectors the time they need to finish their work as long as the inspections are unimpeded.

Yesterday, I talked about statements by the administration that all useful intelligence information in our possession has been shared with the U.N. inspectors.

Condoleezza Rice told us that at the White House 10 days ago. George Tenet told us that at an open Intelligence Committee hearing two days ago. They were in error. Director Tenet acknowledged yesterday here that we still have information and will be sharing it.

The premature declaration that we've already shared all useful intelligence makes us seem excessively eager to bring inspections to a close.

Top administrative officials from the beginning said inspections were useless and that inspectors couldn't find anything without Saddam showing them where it was.

Well, that's what he is supposed to do, but there's at least a chance inspections will prove useful even without his cooperation. Inspectors caught him in lies about his biological weapons program in the '90s. And in this morning's paper it appears they are catching him in lies about the range of missiles he's developing.

Another way to support the inspectors is to back up their request for U-2 surveillance planes, with a U.N. resolution that any interference with them by Saddam Hussein would be considered an act of war against the United Nations.

During the State of the Union speech, President Bush noted that "Iraq is blocking U-2 surveillance flights requested by the United Nations." Secretary Powell, during his address to the U.N. Security Council a

week ago noted that "Iraq also has refused to permit any U-2 reconnaissance flights that would give the inspectors a better sense of what's being moved before, during and after inspections."

Indeed the New York Times on January 30th quotes a senior White House official as describing Iraq's refusal to allow the U-2 surveillance flights "the biggest material breach of all, so far."

I met with Dr. Blix and his staff in New York on January 31st. They told me that U-2 flights would be very useful because of their ability to observe large areas of Iraq and to loiter for extended periods of time. U-2 flights would be particularly helpful to track trucks that appear to be moving items from one suspicious place to another, and to track mobile labs. Satellites can't track suspicious vehicles; U-2s can.

For this reason, I was astonished to read on Tuesday that State Department spokesman Richard Boucher characterized what appears to be an agreement to implement U-2 flights as nothing "worth getting excited about." If Iraq's refusal to allow U-2 surveillance flights is cited by the President and characterized by the White House as "the biggest material breach of all," if Secretary Powell is right when he says that U-2 surveillance flights would give the inspectors a better sense of what's being moved before, during and after inspections, then minimizing their usefulness at this point can only be explained as further disdain for the inspections effort.

It may be unlikely that inspectors will catch Saddam with the goods without his cooperation. But it's at least possible and we should increase that possibility by sharing all our useful intelligence and using the U-2s.

Supporting the inspectors in these and other ways is not inconsistent with the position that administration has correctly taken that the burden is on Saddam Hussein to show where the prohibited material is or what he's done with it. The fact that he hasn't carried his burden is undeniable. But how best to deal with his deceit and deception is still ours and the world's challenge.

There is unanimity around here about one thing at least: all of us and the American people will stand behind our uniformed forces if they are engaged in military conflict. Should they be so engaged, we will provide our men and women in uniform with everything they need to ensure that they prevail promptly and with minimal casualties.

Mr. LEVIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary

levels for fiscal year 2003 and for fiscal years 2005 through 2013.

The Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Madam President, I ask unanimous consent that the staff of the Senate Budget Committee named on the list I send to the desk be permitted to remain on the Senate floor during consideration of S. Con. Res. 23 and the conference report thereupon, and the list be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

SENATE BUDGET COMMITTEE STAFF

AMDUR, Rochelle, ANGELIER, Amy, BAI-LEY, Stephen, BAYLOR, Lauren, BRANDT, Daniel, P., III, CHEUNG, Rock E., DUCKWORTH, Cara, ESQUEA, Jim, FELDER, Beth (Chief Counsel: Full Access Pass), and FLOYD, Ronnie.

GALVIN, Timothy, GREENWOOD, Lee A., HEARN, Jim, HERNANDEZ, Jody, full access (by UC), HERSHON, Lawrence, HORNEY, James, full access (by UC), HAUCK, Megan, HUGHES, Stacey, full access (by UC), JONES, Michael, and JONES, Rachel.

KENT, Don, KEOGH, Erin, K., KONWINSKI, Lisa (General Counsel: Full Access Pass), KUEHL, Sarah, LAVINE, Jessie, MARSHALL, Hazen (Staff Director: Full Access Pass), MYERS, David, NAGURKA, Stuart, and NAYLOR, Mary (Staff Director: Full Access Pass).

NELSON, Sue, full access (by UC), NOEL, Koby, NOLAN, Tim, O'NEILL, Maureen, ORTEGA, David A., OSTERBERG, Gayle, OSWALT, Anne, PAPPONE, David, PHILLIPS, Roy, POSNER, Steven, and PRICE, James Lee.

REIDY, Cheri, RIGHTER, John, RUDESILL, Dakota, SEYMOUR, Lynne, STEWART, Margaret Bonyng, STRUMPF, Barry, TAYLOR, Robert, WINKLER, Jennifer, and WOODALL, George.

Mr. NICKLES. Madam President, I ask unanimous consent that the following floor staff members, two from my staff and two from Senator CONRAD's staff, named on the list I send to the desk be given "all access" floor passes for the Senate floor during consideration of S. Con. Res. 23: Stacey Hughes and Jody Hernandez from the Republican staff, and Jim Horney and Sue Nelson from the Democratic staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor during the consideration of the fiscal year 2004 concurrent resolution on the budget.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, today we will be considering the budget resolution, S. Con. Res. 23, a resolution for fiscal year 2004—actually, 2004 through fiscal year 2013. I urge my colleagues to seriously consider this resolution.

I will readily say it is not perfect. It is a result of a lot of work from individuals on both sides of the aisle who considered and put this resolution together.